

FILED

NOT FOR PUBLICATION

FEB 17 2006

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

SVITLANA GALKOVICH;
CLAUDIO LEONARDO MURO,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-72960

Agency Nos. A96-049-343
A96-049-344

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Svitlana Galkovich, a native of Ukraine and citizen of Argentina, and
Claudio Leonardo Muro, a native and citizen of Argentina, petition pro se for
review of an order of the Board of Immigration Appeals summarily affirming an

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

immigration judge's ("IJ") order denying their applications for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *see INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992), we deny the petition for review.

Petitioners' contention that the IJ did not make an adverse credibility finding is unavailing. The IJ expressly found that "neither respondent ha[d] been credible regarding the substance of their mutual asylum claim." Because petitioners have not challenged the IJ's adverse credibility determination before this court, they have waived this issue. *See Fed. R. App. P. 28(a)(9)(A); Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996).

In the absence of credible testimony, petitioners failed to establish eligibility for asylum, withholding of removal, or relief under the CAT. *See Farah v. INS*, 348 F.3d 1153, 1156-57 (9th Cir. 2003).

PETITION FOR REVIEW DENIED